

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CIVIL ACTION NO. 1:05cr88WJG-JMR-3

PHUOC MINH PHAM

ORDER

THIS CAUSE comes before the Court on motion [225] of Defendant Phuoc Minh Pham to correct a clerical error in the judgment imposing his sentence in this case. According to Pham, the judgment should have listed his sentence as 21 months rather than 121 months. (Ct. R., Doc. 225, p. 1.) Pham advances many of the same arguments made in his objection to the presentence report, his motion to reconsider sentencing, and his habeas petition. (Ct. R., Docs. 141, 142, 204.)

The Court has authority to modify or correct a previously imposed sentence only in the "limited number of circumstances" set out in 18 U.S.C. § 3582(c). *United States v. Bridges*, 116 F.3d 1110, 1112 (5th Cir. 1997). These circumstances are limited to the following: (1) when the Bureau of Prisons moves the Court to modify the sentence for reasons outlined in 18 § 3582(c)(1); (2) under Federal Rule of Criminal Procedure 35 (on the United States' motion due to substantial assistance or to correct a clerical mistake within seven days of the date the sentence was imposed); and (3) when the guidelines under which the defendant was sentenced have been subsequently lowered, and a modification of sentence is consistent with the guidelines' policy

statements. *See* 18 § 3582(c). Because Pham has not asserted grounds for modification that fall into any of the categories above, the Court concludes that it has no authority to reconsider the previously imposed sentence. The Court, therefore, finds that the motion to correct the judgment in this case should be denied. It is therefore,

ORDERED AND ADJUDGED that Pham's motion [225] to correct the judgment in this case be, and is hereby, denied.

SO ORDERED AND ADJUDGED this the 6<sup>th</sup> day of December, 2009.

*Walter J. Sex III*

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UNITED STATES SENIOR DISTRICT JUDGE